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09/815,441	03/22/2001	David Arthur Eatough	42390P11037	5228

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EXAMINER

GANDHI, DIPAKKUMAR B

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 08/05/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/815,441

Applicant(s)

EATOUGH ET AL.

Examiner

Dipakkumar Gandhi

Art Unit

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

Art Unit: 2133

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the abstract is not descriptive. Correction is required. See MPEP § 608.01(b).

Claim Objections

2. Claim 15 is objected to because of the following informalities:

On page 19, lines 16-17, "and retrieving said second error message from said error translation table corresponding to said first error message" should be removed. It is repeated on page 19, lines 15-17.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1, 2 and 9 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. An algorithm is claimed but it is not embedded in computer readable medium.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2133

6. Claims 1-5,10-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Miksovsky et al. (US 6,526,529 B1).

Miksovsky et al. anticipate claim 1.

Miksovsky et al. teach a method to perform customized error handling, comprising:

Detecting an error having a first error message,

Retrieving a second error message corresponding to the error,

Replacing the first error message with a second error message (figures 2-4, abstract, col. 2, lines 3-16, col. 12, lines 16-26, Miksovsky et al.).

- Miksovsky et al. anticipate claim 2.

Miksovsky et al. teach the method further comprising sending the second error message to a display (abstract, Miksovsky et al.).

- Miksovsky et al. anticipate claim 3.

Miksovsky et al. teach the method further comprising terminating the first error message (abstract, Miksovsky et al.).

- Miksovsky et al. anticipate claim 4.

Miksovsky et al. teach the method wherein the detecting comprises:

Monitoring an application; and determining whether the application will generate an error upon execution (col. 5, lines 56-58, Miksovsky et al.).

- Miksovsky et al. anticipate claim 5.

Miksovsky et al. teach the method wherein the detecting comprises:

Receiving a message; and

Determining whether the message comprises the first error message (col. 13, lines 35-36, col. 14, lines 1-2, Miksovsky et al.).

- Miksovsky et al. anticipate claim 10.

Miksovsky et al. teach the method to perform customized error handling (abstract, Miksovsky et al.), comprising:

Monitoring a system for an error (col. 5, lines 56-58, Miksovsky et al.),

Art Unit: 2133

Intercepting a first error message corresponding to the error,

Retrieving a second error message corresponding to the first error message; and sending the second error message to a display (figure 3, abstract, Miksovsky et al.).

- Miksovsky et al. anticipate claim 11.

Miksovsky et al. teach the method wherein the retrieving comprises retrieving the second error message using the first error message (abstract, Miksovsky et al.).

- Miksovsky et al. anticipate claim 12.

Miksovsky et al. teach an article comprising:

A storage medium;

The storage medium including stored instructions that, when executed by a processor, result in detecting an error having a first error message, retrieving a second error message corresponding to the error, and replacing the first error message with a second error message (col. 12, lines 16-26, lines 60-62, Miksovsky et al.).

- Miksovsky et al. anticipate claim 13.

Miksovsky et al. teach the article wherein the stored instructions, when executed by a processor, further result in sending the second error message to a display (abstract, col. 12, lines 33-37, Miksovsky et al.).

- Miksovsky et al. anticipate claim 14.

Miksovsky et al. teach the article wherein the stored instructions, when executed by a processor, further result in terminating the first error message (col. 12, lines 25-26, Miksovsky et al.).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2133

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miksovsky et al. (US 6,526,529 B1) as applied to claim 5 above, and further in view of Viet (US 6,463,147 B1).

As per claim 6, Miksovsky et al. substantially teach the claimed invention described in the claim 5 (as rejected above).

However Miksovsky et al. do not explicitly teach the specific use of searching the message for a character string and comparing the character string with a first error table.

Viet in an analogous art teaches that process 700 begins in step 701 when a request is received from first switching system 101. The string of characters is read from the request in step 702 and a search of the phone number database for matches to the string is performed in step 703 (figure 7, col. 8, lines 20-24, Viet).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miksovsky et al.'s patent with the teachings of Viet by including an additional step of searching the message for a character string; and comparing the character string with a first error table.

This modification would have been obvious to one of ordinary skill in the art, at the time the invention was made, because one of ordinary skill in the art would have recognized that searching the message for a character string; and comparing the character string with a first error table would provide the opportunity to find a corresponding error number for the error message.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miksovsky et al. (US 6,526,529 B1) and Viet (US 6,463,147 B1) as applied to claim 6 above, and further in view of Boivie (US 4,453,217).

Art Unit: 2133

As per claim 7, Miksovsky et al. and Viet substantially teach the claimed invention described in the claim 6 (as rejected above). Miksovsky et al. also teach retrieving the second error message from a second error table using the error number (figure 3, Miksovsky et al.).

However Miksovsky et al. and Viet do not explicitly teach the specific use of retrieving an error number corresponding to the character string.

Boivie in an analogous art teaches calculating an error number for each the identified character string (col. 15, lines 8-9, Boivie).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miksovsky et al.'s patent with the teachings of Boivie by including an additional step of retrieving an error number corresponding to the character string.

This modification would have been obvious to one of ordinary skill in the art, at the time the invention was made, because one of ordinary skill in the art would have recognized that retrieving an error number corresponding to the character string would provide the opportunity to use the error number to find a dynamic error message and provide updated error message to the user.

11. Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miksovsky et al. (US 6,526,529 B1) as applied to claims 1 and 12 above, and further in view of Ganugapati (US 2002/0114438 A1).

As per claim 8, Miksovsky et al. substantially teach the claimed invention described in claim 1 (as rejected above). Miksovsky et al. also teach the method wherein the retrieving comprises:

Searching using the first error message; and

Retrieving the second error message corresponding to the first error message (figure 3, col. 2, lines 3-9, Miksovsky et al.).

However Miksovsky et al. do not explicitly teach the specific use of a translation table.

Ganugapati in an analogous art teaches that referring to FIG. 4, interactive announcement translation table 35 contains codes 41 and announcement messages 42 used by PPBS system 20 to guide users during data access, or to indicate error conditions. Error conditions occur, for example, when an invalid option is entered or when the assigned database is full (figure 4, page 2, paragraph 24, Ganugapati).

Art Unit: 2133

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miksovsky et al.'s patent with the teachings of Ganugapati by including an additional step of using a translation table.

This modification would have been obvious to one of ordinary skill in the art, at the time the invention was made, because one of ordinary skill in the art would have recognized that using a translation table would provide the opportunity to find an updated error message corresponding to the existing error message.

- As per claim 15, Miksovsky et al. and Ganugapati teach the additional limitations.

Miksovsky et al. also teach the article wherein the stored instructions, when executed by a processor, further result in retrieving a second error message by searching using the first error message (col. 12, lines 19-20, lines 59-61, Miksovsky et al.).

Ganugapati teaches the translation table (figure 4, page 2, paragraph 24, Ganugapati).

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miksovsky et al. (US 6,526,529 B1) as applied to claim 2 above, and further in view of Noguchi et al. (US 6,105,150) and Schoettger (US 2002/0069366 A1).

As per claim 9, Miksovsky et al. substantially teach the claimed invention described in claim 2 (as rejected above).

However Miksovsky et al. do not explicitly teach the specific use of receiving a response to the second error message.

Noguchi et al. in an analogous art, teach that an operator 105 receives an error message through a monitor 104 executed in the CPU 101 in the computer, and issues a dump collection command in response to the error message (figure 1, col. 4, lines 44-47, Noguchi et al.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miksovsky et al.'s patent with the teachings of Noguchi et al. by including an additional step of receiving a response to the second error message.

This modification would have been obvious to one of ordinary skill in the art, at the time the invention was made, because one of ordinary skill in the art would have recognized that receiving a response to the

Art Unit: 2133

second error message would provide the opportunity to process the response from the user together with the error information.

Miksovsky et al. also do not explicitly teach the specific use of terminating the first error message using the response.

However Schoettger in an analogous art teaches examining the response for an error message and taking corrective actions to remove the error message from the response from the computer device (page 5, claim 7-8, Schoettger).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miksovsky et al.'s patent with the teachings of Schoettger by including an additional step of terminating the first error message using the response.

This modification would have been obvious to one of ordinary skill in the art, at the time the invention was made, because one of ordinary skill in the art would have recognized that terminating the first error message using the response would provide the opportunity to use only a specific error message.

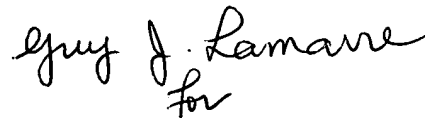
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dipakkumar Gandhi whose telephone number is 703-305-7853. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (703) 305-9595. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Dipakkumar Gandhi
Patent Examiner
July 31, 2003



Albert DeCady
Primary Examiner